

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

AKORN HOLDING COMPANY LLC, *et al.*,¹

Debtor.

Chapter 7

Case No. 23-10253 (KBO)

(Jointly Administered)

Hearing Date:

April 13, 2023 at 10:00 a.m. (ET)

Objection Deadline:

April 6, 2023 at 4:00 p.m. (ET)

**DEBTORS' SECOND MOTION FOR THE ENTRY OF AN ORDER (I) FURTHER
EXTENDING TIME TO FILE SCHEDULES OF ASSETS AND LIABILITIES AND
STATEMENT OF FINANCIAL AFFAIRS AND (II) GRANTING RELATED RELIEF**

The debtors in the above-captioned cases (the “Debtors”) hereby file this second motion (the “Motion”) for entry of an order, in substantially the form attached hereto as Exhibit A (the “Proposed Order”), pursuant to Rules 1007(c) and 9006(b)(1) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Rule 1007-1(b) of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware (the “Local Rules”), (i) further extending the deadline to file the Debtors’ schedules of assets and liabilities and statements of financial affairs (collectively, the “Schedules and Statements”) through and including April 4, 2023, without prejudice to the Debtors’ ability to request additional time should it become necessary to do so, and (ii) granting related relief. In support of this Motion, the Debtors respectfully represent as follows:

¹ The Debtors in these chapter 7 cases, along with the last four digits of their federal tax identification numbers, are Akorn Holding Company LLC (9190), Akorn Intermediate Company LLC (6123), and Akorn Operating Company LLC (6184). The Debtors’ headquarters is located at 5605 CenterPoint Court, Gurnee, IL 60031.

JURISDICTION AND VENUE

1. The Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334(b), and the *Amended Standing Order of Reference* from the United States District Court for the District of Delaware, dated as of February 29, 2012. This is a core proceeding pursuant to 28 U.S.C. § 157(b) and, pursuant to Local Rule 9013-1(f), the Debtors consent to the entry of a final order by the Court in connection with this Motion to the extent that it is later determined that the Court, absent consent of the parties, cannot enter final orders or judgments in connection herewith consistent with Article III of the United States Constitution.

2. Venue is proper before the Court pursuant to 28 U.S.C. §§ 1408 and 1409.

3. The statutory and legal predicates for the relief requested herein are Bankruptcy Rules 1007(c), 9006(b)(1), and Local Rule 1007-1(b).

BACKGROUND

4. On February 23, 2023 (the “Petition Date”), each of the Debtors filed a voluntary case for relief under chapter 7 of title 11 of the United States Code (the “Bankruptcy Code”).

RELIEF REQUESTED

5. By this Motion, the Debtors seek entry of the Proposed Order, pursuant to Bankruptcy Rules 1007(c) and Local Rule 1007-1(b), (i) extending the deadline to file the Debtors’ Schedules and Statements through and including April 4, 2023; and (ii) granting related relief.

BASIS FOR RELIEF

6. Pursuant to section 521 of the Bankruptcy Code and Bankruptcy Rule 1007(c), the Schedules and Statements are due within fourteen (14) days of the Petition Date. Pursuant to Bankruptcy Rules 1007(a)(5) and 1007(c), the Court has authority to further extend the time required for filing the Schedules and Statement “for cause.” Fed. R. Bankr. P. 1007(a)(5), 1007(c).

7. Here, the Debtors respectfully submit that good and sufficient cause exists to extend the deadline for the filing of the Schedules and Statements as requested herein, based on (i) the size and complexity of the Debtors' business and (ii) the number of Debtors' potential creditors. The Debtors were a global pharmaceutical company. To prepare their Schedules and Statements, the Debtors must compile a significant amount of financial information from books, records, and documents relating to their assets, contracts, and claims of creditors. This information is voluminous, and assembling the necessary information requires a significant expenditure of time and effort. The magnitude of that task supports an extension of the deadline set forth in the Bankruptcy Code and Bankruptcy Rules for filing the Schedules and Statements. Moreover, the relief requested herein will not prejudice or adversely affect the rights of the Debtors' creditors or other parties in interest. Rather, the extension requested herein will aid the Debtors' efforts to ensure the accuracy and completeness of the Schedules and Statements, which in turn will promote efficient administration of the chapter 7 cases.

8. Based upon the above, the Debtors respectfully submit that there is good and sufficient cause for granting the requested extension of time. The Debtors therefore respectfully request that the Court extend the initial fourteen (14) day period through and including April 4, 2023, without prejudice to the Debtors' rights to request further extensions, for cause shown.²

NOTICE

9. Notice of this Motion has been or will be provided to the chapter 7 trustee appointed in these cases, when appointed. In light of the nature of the relief requested herein, the Debtors submit that no other or further notice is necessary.

² Pursuant to Local Rule 9006-2, the filing of this Motion before the expiration of the current deadline to file the Schedules and Statements automatically extends such deadline until the Court rules on this Motion. *See* Del. Bankr. L.R. 9006-2.

CONCLUSION

WHEREFORE, the Debtors respectfully request that the Court enter the Proposed Order, granting the relief requested herein and such other and further relief as is just and proper.

Dated: March 22, 2023
Wilmington, Delaware

**YOUNG CONAWAY STARGATT & TAYLOR,
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